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| 10/674,496 | 10/01/2003 | Akiko Onishi | 00862.023332. | 4228 |
| 5514 7590 08/28/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | | |
| EXAMINER HUNTSINGER, PETER K | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,496

Applicant(s)

ONISHI, AKIKO

Examiner

Peter K. Huntsinger

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7,9,11,13,15-17,21,27 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7,9,11,13,15-17,21,27 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/11/09 has been entered.

Response to Arguments

2. Applicant's arguments filed 7/11/09 have been fully considered but they are not persuasive.

The applicant argues on pages 11 and 12 of the response in essence that: Perry '190 does not disclose that the partial setting screen displays information about the type of sheet of the entire document.

a. Perry '190 discloses that exception page template 317 of Fig. 6A allows editing specific print job attributes such as paper stock (col. 7, lines 21-34). The apply button 360 of Fig. 6A applies any modifications made to the current print job (col. 8, lines 2-12). It is inherent that the exception page template 317 of Fig. 6A must display the existing settings for the stock of the entire print job, otherwise the user would be required to manually reenter every attribute even when a change for only one attribute is desired.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 5, 7, 9, 11, 13, 15, 16, 21, 27 and 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Perry '190.

Referring to **claims 1 and 7**, Perry '190 discloses a printing control method executed in an information processing apparatus which has a printer driver to generate print data which a printing apparatus can process, said printing control method comprising:

a first displaying step of displaying an entire setting screen to set an entire setting print attribute to be applied to the entire print data (Fig. 5, col. 5, lines 20-30, print job properties can be created that will apply to the entire print job), wherein at least a first designation field to designate a type of sheet is included in the entire setting screen (col. 4, lines 25-33, a user can select job level information such as paper stock);

a second displaying step of displaying a partial setting screen including (i) a second designation field to set a partial print attribute to be applied to a part of the print data (Figs. 6A-D, col. 7, lines 18-45, print job exceptions attributes window allows user

to enter print job exception attributes such as stock type), (ii) a third designation field to designate a page as the part of the print data to which the partial print attribute is applied (Figs. 6A-D, col. 6, lines, 34-40, print job exceptions attribute window allows a user to specify a page range) and (iii) the type of sheet designated in the first designation field of the entire setting screen displayed in the first displaying step (col. 8, lines 2-12, apply button 360 of Fig. 6A applies any modifications to the current print job exception attributes); and

a generating step of generating the print data to print a print material in which the entire print attribute and the partial print attribute are reflected, (col. 2, lines 31-40, prints print job that includes print job level properties and print job exception attributes)

Referring to **claims 4 and 9**, Perry '190 discloses a setting step of setting the entire print attribute including a type of sheet, print quality and color adjustment (col. 4, lines 22-33, properties for an entire print job include paper stock, printer output, and page color).

Referring to **claims 11 and 13**, Perry '190 discloses a printing system comprising:

a printing control apparatus for generating data which a printing apparatus can process (printing system 1000 of Fig. 1, col.3, lines 41-46);

a first displaying unit which displays an entire setting screen to set an entire setting print attribute to be applied to the entire print data (user interface of Fig. 5, col. 5, lines 20-30, print job properties can be created that will apply to the entire print job), wherein at least a first designation field to designate a type of sheet is included in the

entire setting screen (col. 4, lines 25-33, a user can select job level information such as paper stock);

a second displaying unit which displays a partial setting screen including (i) a second designation field to set a partial print attribute to be applied to a part of the print data (Figs. 6A-D, col. 7, lines 18-45, print job exceptions attributes window allows user to enter print job exception attributes such as stock type), (ii) a third designation field to designate a page as the part of the print data to which the partial print attribute is applied (Figs. 6A-D, col. 6, lines 34-40, print job exceptions attribute window allows a user to specify a page range) and (iii) the type of sheet designated in the first designation field of the entire setting screen displayed by the first displaying unit (col. 8, lines 2-12, apply button 360 of Fig. 6A applies any modifications to the current print job exception attributes); and

a generating unit which generates the print data to print a print material in which the entire print attribute and the partial print attribute are reflected, (printing system 1000 of Fig. 1, col.3, lines 41-46) (col. 2, lines 31-40, prints print job that includes print job level properties and print job exception attributes)

Referring to **claim 16**, Perry '190 discloses when the partial print attribute is not set, print data to print a printed material is generated in which the entire print attribute is reflected in all pages of the print data, and

when the partial print attribute is set, print data to print a printed material is generated in which (i) both the entire print attribute and the partial print attribute are reflected in a designated page designated using the partial setting screen, and (ii) the

entire print attribute is reflected in pages other than the designated page (col. 2, lines 31-40, prints print job that includes print job level properties and print job exception attributes).

Referring to **claims 33-35**, Perry '190 discloses wherein the partial setting screen including a plain paper as the type of sheet of the entire print attribute is displayed in the second display step when the plain sheet is designated in the first designation field of the entire setting screen (col. 7, lines 18-45, exception page template 317 of Fig. 6A displays paper stock type as plain)

5. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry Patent No. 7,159,190 as applied to claim 1 above, and further in view of admitted prior art.

Referring to **claim 5**, Perry '190 discloses print data, but does not disclose expressly wherein the print data is bitmap data.

Official Notice is taken that it is well known and obvious to a person of ordinary skill in the art to output print data as a bitmap (See MPEP 2144.03). The motivation for doing so would have been to utilize a conventional print job format that does not require format conversion at the printer. Therefore, it would have been obvious to combine well known prior art with Perry '190 to obtain the invention as specified in claim 5.

Referring to **claim 17**, Perry '190 discloses the entire setting screen and the partial setting screen but does not disclose expressly wherein the screens are provided by the printer driver.

Official Notice is taken that it is well known and obvious to a person of ordinary skill in the art to provide a print user interface via a printer driver (See MPEP 2144.03). The motivation for doing so would have been to utilize the same program for customizing and formatting print data, thus reducing program conflicts. Therefore, it would have been obvious to combine well known prior art with Perry '190 to obtain the invention as specified in claim 17.

6. Claims 15, 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry Patent No. 7,159,190 as applied to claims 1, 7 and 13 above, and further in view of Iwase Patent No. 6,724,492.

Referring to **claims 15, 21 and 27**, Perry '190 discloses wherein the partial setting screen is displayed in response to a designation inputted when one of the plurality of settings screens is displayed (col. 6, lines 34-40, user can create a new exception by using the "add exceptions" button).

Perry '190 does not disclose expressly wherein the entire setting screen has a plurality of setting screens.

Iwase '492 discloses an entire setting screen has a plurality of setting screens (Fig. 19, col. 12, lines 41-53, menu has a sort, double-sided print, copy, density saturation, and color balance tabs).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a setting screen with multiple tabs. The motivation for doing so would have been to provide the user with a multitude of print attributes conveniently

organized within tabbed screens. Therefore, it would have been obvious to combine Iwase '492 with Perry '190 to obtain the invention as specified in claims 15, 21 and 27.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter K. Huntsinger/
Examiner, Art Unit 2625

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/David K Moore/

Supervisory Patent Examiner, Art Unit 2625